

# **STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND EMISSION GUIDELINES FOR EXISTING SOURCES: COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS**

## **FACT SHEET**

### **ACTION**

- On September 14, 2005, the Environmental Protection Agency (EPA) finalized its definitions of “commercial or industrial waste” and “commercial and industrial solid waste incineration unit”. This completes EPA’s efforts in the process of reconsidering these definitions as they apply in EPA’s new source performance standards and emission guidelines for commercial and industrial solid waste incineration (CISWI) units.
- CISWI units are not designed for energy recovery or do not recover energy when burning materials. Their emissions are controlled by performance standards required by section 129 of the Clean Air Act.
- In contrast, some units known as industrial, commercial, and institutional boilers and process heaters burn materials for energy recovery. Toxic air emissions from these facilities – whether located at large or smaller facilities -- are regulated under section 112 of the Act.
- The primary issues associated with the CISWI definitions are “what is considered a waste,” and, accordingly, what combustion units are considered CISWI units. On February 17, 2004, EPA requested comment on the definitions of four related terms:
  1. solid waste,
  2. commercial or industrial waste,
  3. commercial and industrial solid waste incineration unit, and
  4. waste heat recovery.
- In this final action, EPA is making minor changes to the proposed definitions for these terms including changes for clarification. These definitions provide a distinction between combustion units that are incinerators and covered by the December 2000 standards of performance and emission guidelines (section 129 of the Act) and those that are boilers – regulated under the February 2004 National Emissions Standards for Hazardous Air Pollutants (section 112 of the Act).
- These final CISWI definitions will become effective upon publication of the final rule.
- This final action also removes proposed language that would have included waste heat recovery sources in the CISWI category. Waste heat recovery units are those units that recover heat outside of the combustion firebox. These types of units are not presently covered by the February 2004 National Emissions Standards for Boilers.
- EPA plans to propose and take final action to regulate emissions from waste heat

recovery sources as part of its response to the CISWI remand.

## **BACKGROUND**

- EPA issued new source performance standards and emission guidelines for CISWI units on December 1, 2000. These rules regulate emissions of cadmium, carbon monoxide, dioxins/furans, hydrogen chloride, lead, mercury, nitrogen oxides, particulate matter, and sulfur dioxide.
- Following that final rule, Earthjustice petitioned the EPA Administrator for reconsideration on behalf of the Louisiana Environmental Action Network and the National Wildlife Federation.
- The petition requested reconsideration of the definition of “commercial and industrial waste,” which was not included in the proposed rule and, therefore, was not available for public comment. The petition also requested reconsideration of the definition of “commercial and industrial solid waste incineration unit” because the final definition was modified to refer to the new definition of “commercial or industrial waste.” EPA granted the petition, and began the reconsideration process.
- In conjunction with the petition for reconsideration, the Sierra Club filed a petition for review of the final rules on January 30, 2001.
- In response to EPA’s request, the court granted a voluntary remand of the final rules allowing EPA to address concerns related to the procedures for establishing the levels of emissions control for CISWI units. (in light of the DC Circuit’s decision in *Cement Kiln Recycling Coalition v. EPA*, 255 F.3d 855 DC Cir. 2001). The court did not vacate the final rule. As a result, CISWI units are complying with the December 2000 requirements.

## **FOR MORE INFORMATION**

- To download the notice from EPA’s website, go to “Recent Actions” at the following address: <http://www.epa.gov/ttn/oarpg>.
- Today’s notice and other background information are also available either electronically in EDOCKET, EPA’s electronic public docket and comment system, or in hardcopy at EPA’s Air and Radiation Docket and Information Center, Environmental Protection Agency, Room B102, 1301 Constitution Avenue, NW, Washington, DC (Docket ID No. OAR-2003-0119 (Legacy Docket ID No. A-94-32)). The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket and Information Center is (202) 566-1742.
- For more information about the notice, contact Mr. Brian Shrager at EPA’s Office of Air Quality Planning and Standards at (919) 541-7689 or by e-mail at

[shrager.brian@epa.gov](mailto:shrager.brian@epa.gov).

- The EPA's Office of Air and Radiation (OAR) home page on the Internet contains a wide range of information on the air toxics program, as well as many other air pollution programs and issues. The OAR home page address is: <http://www.epa.gov/oar/>.